

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, August 28, 2000

AGENDA

9:00 A.M.

Closed Session

The Board is requested to adjourn to closed session pursuant to G.S. § 143-318.11(a)(6) in order to consider the qualifications or conditions of initial employment of a public officer.

5:00 P.M.

1. Receive the Report from the Managers' Bicycle Task Force

In October of 1999, the City and County Managers authorized the formation of a joint Bicycle Task Force to address the concerns of bicyclists in the community. Bicyclists had expressed disappointment over the slow pace of implementing bicycle improvements recommended in adopted plans, and they were eager to be a part of new Traffic Demand Management strategies.

Both Managers agreed to the Task Force and appointed members from the Bicycle Committee, staff from relevant City and County departments, and citizens representing various constituencies to make up the group. They charged the Task Force to provide the Managers with some improvements that could be made in the next 12 to 18 months, at not too great a cost, to jump-start the recommendations of the various bicycle plans. The Board asked Bicycle Committee member Ed Harrison to serve as their liaison on the Task Force.

Resource Person(s): Beth Timson, Senior Planner, Durham City-County Planning

County Manager's Recommendation: The Manager's recommendation is that the Board receive this report from the Task Force.

2. Discussion of Proposed Items for NCACC Legislative Goals Process for 2001

Deborah Craig-Ray, Governmental Affairs Director, and County Attorney Chuck Kitchen will lead a discussion of proposed legislative items that the Board might suggest be included in the 2001 Legislative Goals Process for the North Carolina Association of County Commissioners. The attached memorandum from the Association seeks input from this Board for inclusion in the process. Any proposed legislative items must be submitted to Association headquarters by September 8, along with information on whether each proposal comes from either an individual Board member or by the full board.

Resource Person(s): Deborah Craig-Ray, Director of Public Relations and Inter-governmental Affairs and Chuck Kitchen, County Attorney

County Manager's Recommendation: The Manager's recommendation is that the Board discuss this item and direct staff on any issues that should be forwarded to the North Carolina Association of County Commissioners' headquarters for inclusion in the Legislative Goals Process for 2001.

3. Update on Disparity Study

The Board authorized the County Manager to enter into a contract with Mason Tillman Associates, Ltd. to conduct a disparity study for the County of Durham. At this time we would like to update the Board on the status of this study and to present a timeline for its completion.

Resource Person(s): Sandra Huskamp, Purchasing Director and Jan Bryant-Berry, Business Development Manager

County Manager's Recommendation: Accept the update of the disparity study and allow the staff to respond to any questions.

4. First Union Building Acquisition Update

For the past several months, staff has negotiated with American Real Estate Holdings regarding the acquisition of the First Union Building property. During the Phase I and II Environmental Assessment it was determined that there was contamination on the property. American Real Estate Holdings is presently evaluating the time frame needed to clean up the contaminated area.

Staff will provide the board information regarding this process and time involved with the final stages of the negotiation process. Staff also requests Board direction regarding potential alternatives to the First Union site if the County is unable to move forward with acquiring the property. Listed below are potential alternatives to purchasing the First Union Building if the County does not purchase the property.

1. Lease space for some of the administrative functions in the Courts and use the relieved space in the Courthouse to construct an additional courtroom for the Family Courts.
2. Lease space for administrative and court room functions.
3. Wait for American Real Estate Holdings to complete site clean up at the First Union site.
4. Identify other potential properties for acquisition.
5. Evaluate the Eligibility Building for renovations.

Resource Person(s): Wendell Davis, Deputy County Manager, Glen Whisler, County Engineer

County Manager's Recommendation: The Manager's recommendation is that the Board receive this update on the First Union Building acquisition and direct staff to pursue one or a combination of the alternatives presented.

5. Closed Session

The Board is requested to adjourn to closed session in order to consult with an attorney and to preserve the attorney-client privilege regarding a claim pursuant to G.S. § 143-318.11(a)(3) and to discuss a personnel issue pursuant G.S. § 143-318.11(a)(6).

7:00 P.M.

1. **Opening of Regular Session**—Pledge of Allegiance

2. **Agenda Adjustments**

3. **Minutes**

- a. August 7, 2000 Worksession
- b. August 7, 2000 Merger Public Hearing

4. **Resolution Regarding Custody and Treatment of Children in Need of Medically Necessary Mental Health Services**

The Board has been requested to approve the attached resolution, which was approved during the recent North Carolina Association of County Commissioners annual meeting. At the August 14th meeting, Chairman Black asked that the item come before the Board at this time

County Manager's Recommendation: Approve the resolution and send copies to the North Carolina Association of County Commissioners, N. C. General Assembly President Pro Tempore Sen. Marc Basnight and House Speaker Rep. Jim Black.

5. Consent Agenda

- a. Recognize Deferred Revenue for the Sheriff's Office (accept the incorporation of \$78,500 in the deferred revenues into the Sheriff's Current Departmental Operations Budget. There is not impact to County local dollars);
- b. Budget Amendment--Youth Coordinating Board Triangle United Way Grant (approve the budget amendment in the amount of \$10,151 from the Triangle United Way to serve as a match to the Governor's Crime Commission grant for implementation of a Juvenile Drug Court);
- c. Budget Amendment to Establish Five (5) DSS Positions and Recognize \$172,563 of Additional Intergovernmental Revenue (County Manager recommends establishment of the requested five positions and recognize \$172,563 of additional intergovernmental revenue);
- d. Five Mid-Size Vehicles and One Sport Utility Vehicle--Tax Administration Department (authorize the County Manager to proceed with a contract to Rick Hendrick Chevrolet Inc. in the amount of \$100,183.40 to purchase five mid-size vehicles and one sport utility vehicle for conducting tax appraisals);
- e. Final Qualifying Bid to Purchase County Property ([5201 Lacy Road](#)) (approve the offer of \$6,350.00 per lot submitted for 5201 Lacy Road by Mr. William Small and prepare a non-warranty deed for the Chairman's signature);
- f. Offer to Purchase County Property ([600 E. Cornwallis Road](#)) (pursue the upset bid process at this time. The Board has the authority to accept or reject any offer at the conclusion of the upset bid process);
- g. Resolution Amending Uniform Standards for Claims Against Employees, Officers, and Officials (adopt the proposed resolution as it does not result in a change in policy and will ensure compliance with current law. The current resolution provides when the County will cover claims against employees. The proposed amendment sets forth the procedural steps to be taken, and it provides the detail as to what claims are paid);
- h. Final Order for Quasi-Judicial Hearing on Appeal of Revocation of Land Disturbing Permit, # L-2772, Edinborough at the Park (review the proposed order and approve subject to such corrections and modifications as the Board desires. The final order should then be entered);
- i. Appointments—Durham and Wake Counties Research and Production District (Ms. Elizabeth H. Rooks, Director of Physical Development, Research Triangle Foundation of NC, requests that the Board of County Commissioners, on behalf of the Research Triangle Park Owners and Tenants Association, appoint the following nominees to the service district:

| | <u>Term</u> |
|--------------------------------|------------------|
| Lori Greenstein | 7/1/00 – 6/30/03 |
| <u>NC Biotechnology Center</u> | |
| Christian Bigsby | 7/1/00 – 6/30/03 |
| <u>Glaxo Wellcome</u> | |
| J. Renee Keever | 7/1/00 – 6/30/03 |
| <u>Sigma Xi</u> | |

- j. Durham County Commission Special Tax Board Appointees (confirm that Chairman Black and Commissioner Bowser are the Board representatives to the Special Tax Board);
- k. Appointment of Work First County Block Grant Plan Committee (review and approve the appointment of members to the Work First Planning Committee).

Note: The purpose of a consent agenda is to handle consensus items with one motion to save time on meeting agendas. Any item a Board member pulls for discussion should be placed at the end of the agenda

so public hearings can be concluded as early as possible. This will provide for the least inconvenience to the general public attending the public hearings.

6. Public Hearing for SNR Management (Rezoning Case P00-9)

SNR Management will present to the Board of County Commissioners a request to rezone 73.4 acres on the East Side of Danube Lane north of Ben Franklin Blvd. (Tax Map 742-01-1A, 1B & 4 (portion), PIN #[0833-01-47-4421](#), [0833-01-37-3179](#) & [0833-01-38-8147](#)). The specific request is to rezone R-20 (Residential 20) to PDR 4.3 (Planned Density Residential-4.3 units/acre). The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 11, 2000 and voted 7-0 to recommend approval. The public hearing for this request was advertised on August 11 and August 18, 2000 in the Durham Herald-Sun.

Case Planner: Dwight Yarborough

Resource Person(s): Sheila Stains-Ramp and Norman Standerfer, Planning Department

County Manager's Recommendation: That the board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

7. Public Hearing--Satpal Rathie (Rezoning Case P00-5)

Satpal Rathie will present to the Board of County Commissioners a request to rezone a 52.96-acre site located on the south side of Lumley Road west of Page Road (Tax Map 580B, Block 3, Lots 3 (partial) and 4, PIN #[0759-03-41-1123](#) (partial), [0759-03-41-1845](#), Request: PDR 4.45 (Planned Density Residential-4.45 units/acre) to PDR 3.85 (Change in Development Plan) (Planned Density Residential-3.85 units/acre with Development Plan). The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 11, 2000, and voted 7-0 to recommend approval. City Council voted 13-0 on August 7 to approve rezoning of the 51.66 acres within City jurisdiction. 1.3 acres of open space is within the County's jurisdiction and is the subject of this hearing.

Case Planner: Vonda Frantz

The public hearing for this request was advertised on August 11 and August 18, 2000 in the Durham Herald-Sun.

Resource Person(s): Sheila Stains-Ramp and Norman Standerfer, Planning Department

County Manager's Recommendation: That the board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

8. Public Hearing--Connor Properties, LLC (Rezoning Case P00-40)

Connor Properties, LLC will present to the Board of County Commissioners a request to rezone 5.6 acres located at 2202 Ellis Road, PIN #[0749-01-26-4483](#); corresponding to Tax Map 641-1-6. Request: RD (Rural District) & R-20 (Residential 20) to OI-2(D) (General Office and Institutional District). The proposal is in conformance with the adopted small area plan and 2020 Plan. Staff recommends approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on July 11, 2000 and voted 7-0 to recommend approval.

Case Planner: Nazeeh Abdul-Hakeem

The public hearing for this request was advertised on August 11 and August 18, 2000 in the Durham Herald-Sun.

Resource Person(s): Sheila Stains-Ramp and Norman Standerfer, Planning Department

County Manager's Recommendation: That the board hold the public hearing and approve the rezoning, if appropriate, based on public comment.

9. To conduct a public hearing to consider an amendment to improve the efficiency of the zoning ordinance. The amendment revises Section 15.3 [Requirements for Rezoning with a Development Plan] to provide additional information with Development Plans in order to provide greater clarity about the details of a proposal.

The Durham Zoning Ordinance requires that applications for a Planned Development Residential District [PDR] be accompanied by a Development Plan. The Development Plan requirements are generic for all zoning districts. The Board has expressed some dismay about the PDR development plan requirements because the standards do not always assure enough clarity to adequately evaluate the rezoning application.

The Joint City-County Planning Committee recommended the attached proposal for approval. The Zoning Committee of the Planning Commission held a public hearing on this proposal and recommended unanimously in favor of the item. No one spoke in opposition. Several representatives from the development community received copies of the proposal for review. The proposal was adopted by the City Council on August 7, 2000. The Board needs to conduct a public hearing and consider the zoning ordinance amendment to require additional information with a Development Plan zoning.

Resource Person(s): Bonnie Estes and Norm Standerfer will present the item.

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the proposal, if appropriate, based on public comment.

10. Durham County Sheriff's Office--New Communication System--IFB No. 00-022

The Board is requested to authorize the County Manager to enter into a contract with Motorola, Inc. in the amount of \$219,875 to purchase a new Communication System for the Durham County Sheriff's Office. Funds have been appropriated in this Fiscal Year's Budget for the Sheriff's Agency to purchase this new equipment.

Originally, the Sheriff's Office proposed replacing their existing radio dispatch system with either a purchase or lease option. The purchase option was proposed in the county's CIP (Capital Improvement Plan) for an estimated cost of \$238,000. The lease option was approved in the Sheriff's FY 1999-2000 Budget for an estimated cost of \$57,234 annually over a five-(5) year lease. Unfortunately, a leasing agreement contract could not be negotiated that would meet with the County Attorney's approval. It was then decided to formally bid this new equipment and allocate the leasing funding budgeted and other FY 1999-2000 funds to purchase it outright.

Durham County's requirements were advertised in the local newspapers on May 29, 2000. Bid Invitation No. 00-022 was mailed to five (5) vendors. Bids were received from Motorola Communications, Inc. for \$251,947.00 and Modular Communications Systems, Inc. for \$154,900.00. The lowest responsive bid submitted by Modular Communications Systems, Inc. did not meet the important bid specification of providing a console system "capable of a direct wireline interface to the existing City of Durham's Motorola SmartNet, 800 MHz trunking radio system". Modular Communications Systems, Inc. does not currently have the licensing rights from Motorola, Inc. to acquire the specified Motorola Trunking Control Station or to directly connect to Motorola's proprietary, SmartNet System. The City of Durham's 911 Communication's Division requires that the Sheriff's consoles be capable of a direct connection into their Motorola, SmartNet, 800 MHz, Trunking System, due to radio system compatibility issues. Without this technology, calls from the Sheriff's deputies must first go to the 911 dispatcher to be patched through to other public safety entities.

The contract award amount for Motorola Communications, Inc. is less than their submitted bid due to backing out specific equipment pricing for: Operator NT Workstations for \$11,330.00 and NT Server and Network for \$5,530.00. The Sheriff's Office will purchase these items, significantly cheaper, through the State Convenience Contract. Also the Sheriff's Office will use two (2) existing call checks that are only two

(2) years old instead of accepting bid pricing for two (2) new ones. This reduces the bid contract further by \$15,212.00. Per the County's bid package, the County can reserve this right to increase or decrease quantities specified.

The Motorola equipment under this purchase contract is covered under warranty against any material defects for a period of one (1) year from the date of shipment. Subsequent year funding is anticipated for additional costs for Software Upgrades/Maintenance Services in year two (2), after the warranty expires, of \$3,900, per quote from Motorola, Inc. Also Piedmont Communications Co. Inc. will provide the seven-(7) days x twenty-four (24) hour maintenance specified in the bid package for an additional cost of \$1,200 annually (or \$100.00 per month). The Sheriff's Office currently contracts with Piedmont for all of its communication equipment maintenance including their portable and mobile radio units for \$20,520 annually (or \$1,720 per month). This additional cost has already been appropriated within the Sheriff's current Fiscal Year Budget.

Resource Person(s): Jan Bryant-Berry, Purchasing; Major Mike Andrews, Operations' Commander for the Sheriff's Office; and Janet Birenbaum, Comptroller for the Sheriff's Office.

County Manager's Recommendation: Authorize the County Manager to enter into a contract with Motorola Communications Inc. in the amount of \$219,875 for the Sheriff's new Dispatch Communications System. This new system presents the most optimal solution for the Sheriff's Office to upgrade to the most fully functional communications technology that is operationally consistent and integrative with the 911 Center and all other agency systems and frequencies on a current and long-term basis.

11. Durham County Justice Center

The Board of Commissioners has previously approved the construction of a new Justice Center in the adopted Capital Improvement Plan. In order to begin the project, three actions are requested to be taken.

Before any funds are expended, the Board should adopt the Reimbursement Resolution. This will permit any costs associated with the project to be reimbursed from the proceeds of the debt issue. Also, two initial resolutions must be adopted on financing of the courthouse and associated parking deck. This is the initial step in the financing process. The resolutions anticipate a G.S. § 160A-20 financing. This can be changed at a later time to a GO issue if desired by the Board. Additionally, the resolutions reaffirm the appointment of bond counsel.

It is also requested that the administration be directed to begin negotiations on the acquisition of property for the courthouse and associated parking facilities. The three tracts involved are a portion of the DATA site, the U-Haul site, and the Scarborough & Hargett Funeral Home. Any specific directions to staff regarding negotiations may be given in a closed session at a later date. Any agreements on purchasing the tracts would have to come back to the Board for approval.

The last request is that the administration be authorized to begin the Request for Qualifications (RFQ) process to hire an architect. It is anticipated that as part of this process, courthouses, which have been designed by architects submitting proposals, may be visited to ascertain the design abilities of the architects. As this process may take longer than the routine selection of an architect, it is important to now begin the selection process so as not to delay the project.

Resource Person(s): Carolyn Titus, Interim County Manager, and Chuck Kitchen, County Attorney

County Manager's Recommendation: That the Board approve the three steps outlined above so that the County may begin to move forward on the Durham County Justice Center project.

12. Designation of a Board Representative to the Little River Park Advisory Committee

Durham and Orange Counties have jointly agreed to purchase a 390-acre parcel in northern Durham to create the Little River Regional Park. The first portion of the site will be acquired by October 30, 2000, and the remaining portion in July 2001. Durham and Orange Counties have successfully obtained two state grants totaling up to \$627,000 that will substantially defray local costs for acquiring the site. In May, Durham

and Orange Counties also submitted a grant proposal for a federal Land and Water Conservation Fund (LWCF) grant to assist with site development costs. The LWCF program is administered by the State of NC, with a modest \$865,000 available this fiscal year. The State recently recommended that the park receive a \$262,000 LWCF grant award. Durham and Orange Counties are very fortunate to receive this recommendation--only six projects were recommended for funding out of 40 projects submitted statewide.

Site development for the joint park will be guided by a Little River Advisory Committee, which will consist of 10 members and include members or designees from the Durham and Orange Board of County Commissioners, the two non-profits, and adjacent neighborhoods. The committee will meet as needed and is envisioned to provide guidance for approximately one year. The committee will need to convene in mid-September to meet the LWCF recommended timeline.

Resource Person(s): Jane Korest, Senior Planner

County Manager's Recommendation: That the Board of County Commissioners appoint a Board representative or designee to serve on the Little River Park Advisory Committee.

13. **Board and Commission Appointments**

Garry E. Umstead, Clerk to the Board, will distribute ballots to make appointments to the following boards and commissions:

- Alcoholic Beverage Control Board
- Durham County Hospital Corporation Board of Trustees

14. **Reschedule Board of County Commissioners Meeting**

The County Commissioners will discuss moving the first October Regular Session to Tuesday, October 10, 2000 since Yom Kippur, the holiest Jewish holiday, falls on Monday, October 9.

15. **Cancellation of the September 4, 2000 Board of County Commissioners' Worksession**

As per the Chairman of the Board, the County Commissioners will discuss the cancellation of the September 4, 2000 Worksession due to the Labor Day holiday.